

12 November 1973

MEMORANDUM FOR: Deputy Director, PS&I

SUBJECT : Comments on the Civil Service Commission
Release Regarding Proposed Guidelines on
Administrative Investigations and
Interrogations of Federal Government
Employees

1. The proposed guidelines do not appear to require any significant change in our present policy of reporting to and working with the Federal Bureau of Investigation whenever we develop information that a Federal crime has been committed. There are some grey areas such as the disclosure of a federal crime as an unexpected by-product of a reinvestigation polygraph interview where, under present policy, the information will only be released if found to be "necessary in the interest of national security."

2. These grey areas and any reactions concerning the entire proposal could probably be handled to our satisfaction under what I understand is also still our policy, and that is that this Agency will cooperate with the Department of Justice only after an internal determination has been made that investigation and subsequent action on any violation of the criminal law does not involve a risk of compromise of the security of Agency operations or of intelligence sources and methods.

3. It is suggested that the Director of Security, in his reply, remind the Director of Personnel of this latter policy. Some historical papers on this are attached herewith. In reading them it might be pointed out that:

- a. the USC 311(a) mentioned in the Lawrence Houston memo is now the 28 USC 535 mentioned in the basic Civil Service paper, and

- b. 28 USC 535 says that any information, allegation or complaint received in a department or agency of the Executive Branch of the Government relating to violations of (the Federal Criminal Code) involving Government officers or employees shall be expeditiously reported to the Attorney General unless "as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information....."

STATINTL


Chief, Interrogation Branch

Attachments

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